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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

POWER SURVEY, LLC,

Plaintiff,

v.

PREMIER UTILITY SERVICES, LLC,
AND L-3 COMMUNICATIONS
HOLDINGS, INC. D/B/A/ NARDA
SAFETY TEST SOLUTIONS

Defendants.

Civil Action No. 2:13-cv-05670-FSH-
MAH

**CERTIFICATION OF
LIZA M. WALSH**

*Confidential Version -
Submitted for In Camera Review*

I, Liza M. Walsh, do hereby certify as follows:

1. I am an attorney admitted to practice before this Court and a partner of the law firm of Connell Foley LLP, counsel for Plaintiff Power Survey, LLC ("Power Survey") in connection with the above-captioned action.

2. I submit this Certification in support of Power Survey's Motion to Seal portions of the September 4, 2014 Transcript at DE No. 122 (hereinafter, the "Transcript"). Specifically, portions of the Transcript include highly confidential information relating to client names, contract terms, pricing information, sales, revenue, costs, profits, and product design information, and when this information was disclosed during the September 4, 2014 hearing, the Court proceedings were not open to the public.

3. This motion is made pursuant to Local Civil Rule 5.3(c) and pursuant to the Discovery Confidentiality Order entered on March 21, 2014. (DE No. 48) (hereinafter "Order").

4. There is a substantial interest in assuring that non-public information relating to the Power Survey's business strategies, finances, pricing, customers, and products remain confidential and do not become public.

5. It is my understanding that Power Survey would suffer substantial and specific harm, including but not limited to, potential financial damage, damage to business relationships, and/or other irreparable harm should any of the information contained in the Transcript become publicly disclosed.

6. There is "good cause" for sealing the aforementioned portions of the Transcript due to the confidential information relating to Power Survey's client names, contracts, pricing, and products. In addition, there was "good cause" for the entry of the March 21, 2014 Discovery Confidentiality Order entered in this case. The same "good cause" exists for the entry of a sealing Order with regard to the Transcript, which, based on my understanding, contains information that has been designated as "CONFIDENTIAL" and/or "ATTORNEYS' EYES ONLY" pursuant to that Order.

7. There is no less restrictive alternative other than the sealing of this information because the Court Reporter will maintain a redacted version of the transcript available for the public. This is the least restrictive alternative available to protect the confidential information relating to the Power Survey's products.

8. The Transcript includes "CONFIDENTIAL" and/or "ATTORNEYS' EYES ONLY" information for which a sealing order is requested. In further support of this Motion to Seal a chart has been prepared identifying each of the portions of the filed documents containing the information that Power Survey has requested be sealed and further explaining: (a) the nature of the materials or proceedings at issue; (b) the legitimate private or public interests that the parties assert warrant the relief sought; (c) the clearly defined and serious injury that the parties assert would result if the relief sought is not granted; and (d) why a less restrictive alternative to the relief sought is not available. A copy of the Chart is attached hereto as Exhibit 1.

9. Redacted and unredacted versions of the Transcript to be sealed are attached as Exhibits 2 and 3, respectively and each will be submitted for *in camera* review. The redacted version attached as Exhibit 2 contains all of the redactions Power Survey has requested be made, and a copy of Exhibit 2 has also been submitted to the Court Reporter.

Ex.	Title of Document	Portions to be Sealed or Description of Confidential Information
3.	Transcript, dated September 4, 2014	<p><u>Power Survey requests the following redactions:</u></p> <ul style="list-style-type: none"> • Page 101, at lines 1, 3, 5-8, 12-15, 17, 19-20; • Page 106, at lines 13 (beginning after "about"), 15 (beginning after "about"), 17; • Page 107, at lines 1-3 (beginning after "It was --"),

Ex.	Title of Document	Portions to be Sealed or Description of Confidential Information
		<p>5, 7-14, 17-24;</p> <ul style="list-style-type: none"> • Page 108, at lines 4 (to “they’ve won”), 5 (beginning after “lost” to “. We”), 6-7 (beginning after “in” to “I’d”), 8 (beginning after “with”), 9 (to “we”), 14 (to “we”); • Page 109, at lines 3 (beginning after “Probably”), 10-12 (beginning after “market,”), 15-20; • Page 110, at lines 8, 14-16; • Page 115, at line 22; • Page 116, at lines 13 (beginning after “then” to “is”), 18, 19 (beginning after “And” to “as”), 20 (beginning after “And”), 21 (beginning after “if” to “was”); and • Page 117, at lines 7-8 (beginning after “believe,” to “maybe,” and after “maybe” to “as”), 23 (beginning after “was”).

10. The proposed redactions outlined above are to testimony that was elicited during the September 4, 2014 oral argument at a time when the Court proceedings were not open to the public.

11. All other information contained in the Transcript will be available to the public and maintained by the Court Reporter. And, should this Court determine that not all of the above redactions as requested by Power Survey are appropriate, Power Survey will provide the Court Reporter with a redacted version consistent with any Sealing Order entered by this Court in response to this Motion.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: November 14, 2014

s/Liza M. Walsh

Liza M. Walsh

EXHIBIT 1

Power Survey, LLC v. Premier Utility Services, LLC, et al.
Civil Action No. 2:13-cv-5670 (FSH) (MAH)

**POWER SURVEY'S CHART IN SUPPORT OF THE MOTION TO SEAL THE CONFIDENTIAL
INFORMATION CONTAINED IN THE TRANSCRIPT OF THE SEPTEMBER 4, 2014 HEARING BEFORE
THE HONORABLE FAITH S. HOCHBERG**

Title of Document	Portions to be Sealed or Description of Confidential Information	Private/Public Interests	Injury	No Less Restrictive Alternative
<p>Transcript of the September 4, 2014 hearing before the Honorable Faith S. Hochberg</p> <p>(DE No. 122)</p>	<p><u>Power Survey requests the following redactions:</u></p> <ul style="list-style-type: none"> • Page 101, at lines 1, 3, 5-8, 12-15, 17, 19-20; • Page 106, at lines 13 (beginning after “about”), 15 (beginning after “about”), 17; • Page 107, at lines 1-3 (beginning after “It was --”), 5, 7-14, 17-24; • Page 108, at lines 4 (to “they’ve won”), 5 (beginning after “lost” to “. We”), 6-7 (beginning after “in” to “I’d”), 8 (beginning after “with”), 9 (to “we”), 14 (to “we”); • Page 109, at lines 3 (beginning after “Probably”), 10-12 (beginning after “market,”), 15-20; • Page 110, at lines 8, 14-16; • Page 115, at line 22; • Page 116, at lines 13 	<p><u>Power Survey Position:</u></p> <p>The requested redactions in this Transcript contain confidential information regarding competitively sensitive business and financial information, including, but not limited to, information relating to business strategies, pricing, revenue, and client contracts. This information is sensitive and proprietary. The Discovery Confidentiality Order entered by this Court on March 21, 2014 specifically allows such information to be kept confidential. Moreover, the testimony at issue was elicited during a portion of the hearing that was not open to the public.</p>	<p><u>Power Survey Position:</u></p> <p>If filed on the public docket, the information will reveal the substance of Power Survey’s confidential and competitively sensitive business and financial information. Disclosure of this information will cause irreparable competitive harm to Power Survey.</p>	<p><u>Power Survey Position:</u></p> <p>Power Survey seeks to redact this confidential information, as this is the least restrictive alternative to protect the confidential information.</p>

Title of Document	Portions to be Sealed or Description of Confidential Information	Private/Public Interests	Injury	No Less Restrictive Alternative
	<p>(beginning after “then” to “is”), 18, 19 (beginning after “And” to “as”), 20 (beginning after “And”), 21 (beginning after “if” to “was”); and</p> <ul style="list-style-type: none"> • Page 117, at lines 7-8 (beginning after “believe,” to “maybe,” and after “maybe” to “as”), 23 (beginning after “was”). 	There is little, if any, public interest in disclosing Power Survey’s competitively sensitive financial and business information.		

EXHIBIT 2

(Submitted for *In Camera* Review)

EXHIBIT 3

(Submitted for *In Camera* Review)